

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

# MEMORANDUM AND ORDER

This matter is before the Court upon review of the file and plaintiffs' motion for preliminary injunction. ECF 9. Defendants have filed an opposition to the motion. ECF 18. Although defendants purport to request oral argument on the motion with a designation on the caption of their opposition brief which reads "Oral Argument Requested Pursuant to Local Rule 4.02," this designation does not comply with Local Rule 4.02, which requires such request be made by motion at the time the brief is filed. For their part, plaintiffs communicated their position that no oral argument on the motion was required by emailing my judicial assistant, a practice prohibited by Local Rule 4.04. Plaintiffs also indicated that their reply brief in support of injunction would be filed today.

Going forward, the Court expects the parties to comply with the Local and Federal Rules of Civil Procedure. Unless specifically directed otherwise, any

communication with the Court regarding this case shall be by written motion only as directed by Local Rule 4.04. The Court does not believe oral argument is necessary, so none will be scheduled. Neither side has requested an evidentiary hearing.

Although no hearing will be scheduled, after thorough review of the parties' briefs, the Court will order the parties to brief additional issues. Both parties shall address the issue of standing. Defendants are also ordered to clarify seemingly conflicting statements in their brief regarding the application of the Final Rule to restrooms. Defendants shall explain whether the Final Rule applies to restrooms, and if so, how. Defendants shall also explain whether the Final Rule applies to locker rooms, and if so, how.

Both parties are required to file proposed findings of fact and conclusions of law either granting (in the case of plaintiffs) or denying (in the case of defendants) the motion for preliminary injunction. The proposed findings of fact and conclusions of law shall be detailed, contain appropriate citations to the Final Rule and its location in the docket (i.e., include the ECF document and page number in addition to the Rule citation), as well as appropriate citations to relevant legal authorities. The proposed orders shall address all aspects of consideration for granting or denying preliminary injunctive relief, including standing. A word

version of the proposed orders shall also be emailed directly to my judicial assistant.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs shall file their reply brief in support of preliminary injunction by **June 21, 2024**, and the parties shall file their briefs and proposed orders, and email word versions of their proposed orders to my judicial assistant, in compliance with this Memorandum and Order no later than **noon on July 12, 2024. No extensions of time will be granted.**

**IT IS FURTHER ORDERED** that the proposed orders are not subject to the Court's page limitation requirements, and the parties are granted leave to file briefs of up to 20 pages long.

**IT IS FURTHER ORDERED** that plaintiffs shall file copies of all orders either granting or denying preliminary injunctive relief in any similar case challenging the Final Rule within two (2) days of their issuance. The parties shall file copies of all such orders that have already been entered by no later than **noon on June 22, 2024.**



RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 21st day of June, 2024.